

SUBJECT: RECOMMENDATION REPORT
Zoning Amendment Application to amend the Minister's Zoning Order (MZO) to permit a single detached dwelling at 4870 Elgin Mills Road East
File No. ZA 12 130474

PREPARED BY: Rick Cefaratti, ext. 3675, Planner II, West District

REVIEWED BY: Ron Blake, ext. 2600, Manager, West District

RECOMMENDATION:

- 1) That the report titled "RECOMMENDATION REPORT, Zoning Amendment Application to amend the Minister's Zoning Order (MZO) to permit a single detached dwelling at 4870 Elgin Mills Road East, File No. ZA 12 130474," and dated June 11, 2013 be received;
- 2) That the application by Donny Chow to amend the Minister's Zoning Order (MZO) to permit a new single detached dwelling at 4870 Elgin Mills Road East, be endorsed;
- 3) That the Recommendation Report be forwarded to the Ministry of Municipal Affairs and Housing (MMAH); and,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide comments on an application by Donny Chow to the Ministry of Municipal Affairs and Housing (MMAH) to amend the Minister's Zoning Order (MZO) to permit a single detached dwelling at 4870 Elgin Mills Road East.

BACKGROUND:

The 4.05 (10 ac.) site is located on the north side of Elgin Mills Road East, between McCowan Road and Kennedy Road (Figure 1). A vacant dwelling and a barn structure exist on the property. The abandoned dwelling was built in 1968 and appears to be in a state of deterioration and is proposed to be demolished. The northern rear portion of the property contains a woodlot and a watercourse that traverses the southwest corner of the property. The following uses surround the property (Figure 3):

- North – Agricultural
- South – Agricultural across Elgin Mills Road East
- East – Rural Residential
- West – Agricultural

PROPOSAL:

The applicant proposed to demolish the dwelling and barn structures on the property and construct one new two storey detached dwelling.

PROVINCIAL PLANNING FRAMEWORK:Greenbelt Plan

The property is located within the Greenbelt Plan area and is designated as "Protected Countryside" with a Natural Heritage System (NHS) overlay. The NHS policies of the Plan state that development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone. However, the following uses are considered as exceptions to the above noted restriction on development:

- a. Forest, fish and wildlife management;
- b. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or
- c. Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the general policies of section 4 of the Plan

Section 4.5 of the Plan further states that existing uses within the Protected Countryside lawfully used for such purpose on the day before the Greenbelt Plan came into effect are permitted. More specifically, the Plan permits single dwellings on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force.

Ministers Zoning Order

The property is subject to a Minister's Zoning Order, Ontario Regulation 104/74. The purpose of the Minister's Zoning Order Ontario Regulation 104/74 is to regulate land use in relation to the proposed future Pickering Airport development. This regulation limits the permitted uses on the property to agricultural uses and accessory buildings and structures associated with agriculture, and existing single detached dwellings and enlargements thereto. A new residential dwelling not associated with an agricultural operation is not permitted in this regulation.

Provincial Policy Statement

The Provincial Policy Statement protects airports from incompatible uses and new residential development by prohibiting such uses in the area near existing/future airports above the 30 Noise Emission Factor/Noise Exposure Projection (NEF/NEP). The NEF and NEP are noise exposure contours that Transport Canada developed to provide provincial and municipal planning authorities with long range guidance for developing communities. The Ministry of Municipal Affairs and Housing, advises that the subject property is not located above the 30 NEF/NEP.

York Region Official Plan

The 1994 York Region Official Plan designates the property as "Agricultural Policy Area – Agricultural and Rural Area". The Regional Plan permits farm and accessory uses. Development proposals for non-farm related uses within the Agricultural and Rural Area will require a Regional official plan amendment. The lands are also located within "Greenbelt Protected Countryside" in the 2010 York Region Official Plan which permits agricultural and agricultural-related uses.

Markham Official Plan

The subject property is designated "Agriculture 1" in the current Official Plan. This designation permits agricultural-related uses and existing rural residential uses. The City's Official Plan is currently under review. The Draft version of the new Official Plan identifies that the site is governed by the policies of the Greenbelt Plan. The new Official Plan designates the site as "Greenway System" with Greenbelt Natural Heritage System and Provincially Significant Wetlands overlays. The Greenway System designation permits a residential dwelling unit, on an existing lot of record, provided that natural heritage or hydrologic features that exist on the property are protected.

Zoning

The lands are zoned Rural Residential Zone (RR4) under Zoning By-law 304-87, as amended. This zone category permits a single detached dwelling on the property (Figure 2).

This underlying municipal zoning is currently superseded by the Minister's Zoning Order mentioned above.

OPTIONS/ DISCUSSION:**Toronto and Region Conservation Authority**

The subject property falls within the Toronto and Region Conservation Authority's (TRCA) screening boundary and a portion of the property is located within a regional floodplain. The regional floodplain line was established by the TRCA. The applicant has obtained a TRCA permit which demonstrates that the proposed dwelling will be setback a minimum 30 m from the TRCA established floodplain line.

Amendment to the MZO Appropriate

The MZO was originally placed on the property as a protective measure to ensure that the development potential for a future airport development in the Greater Toronto Area would not be compromised. In view of the fact that use is permitted by the Greenbelt Plan, that the applicant has demonstrated that the proposed new dwelling is not within the required 30 m wide buffer adjacent to natural heritage and hydrologic features, and that is not located above the 30 NEF/NEP noise contour, staff considers the proposed amendment to the MZO to permit a single detached dwelling for residential use appropriate.

CONCLUSION:

Staff endorses an amendment to the MZO to permit a new single detached dwelling for residential development on this existing lot of record, and that the MMAH be advised in writing of this position.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.,
Director, Planning and Urban Design



James Baird, M.C.I.P., R.P.P.,
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Area Context/ Zoning

Figure 3 – Aerial Photo

Appendix A – Conceptual Site Plan

Appendix B – Building Elevations

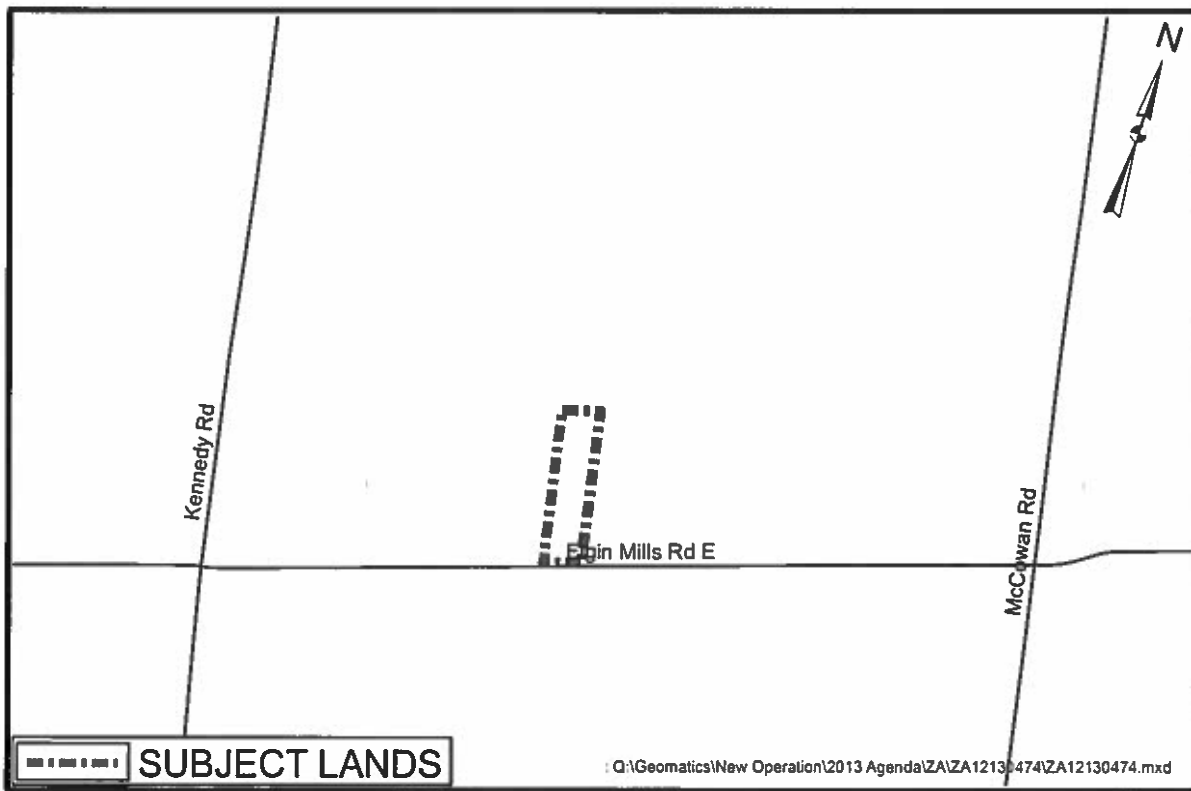
Applicant Contact Information:

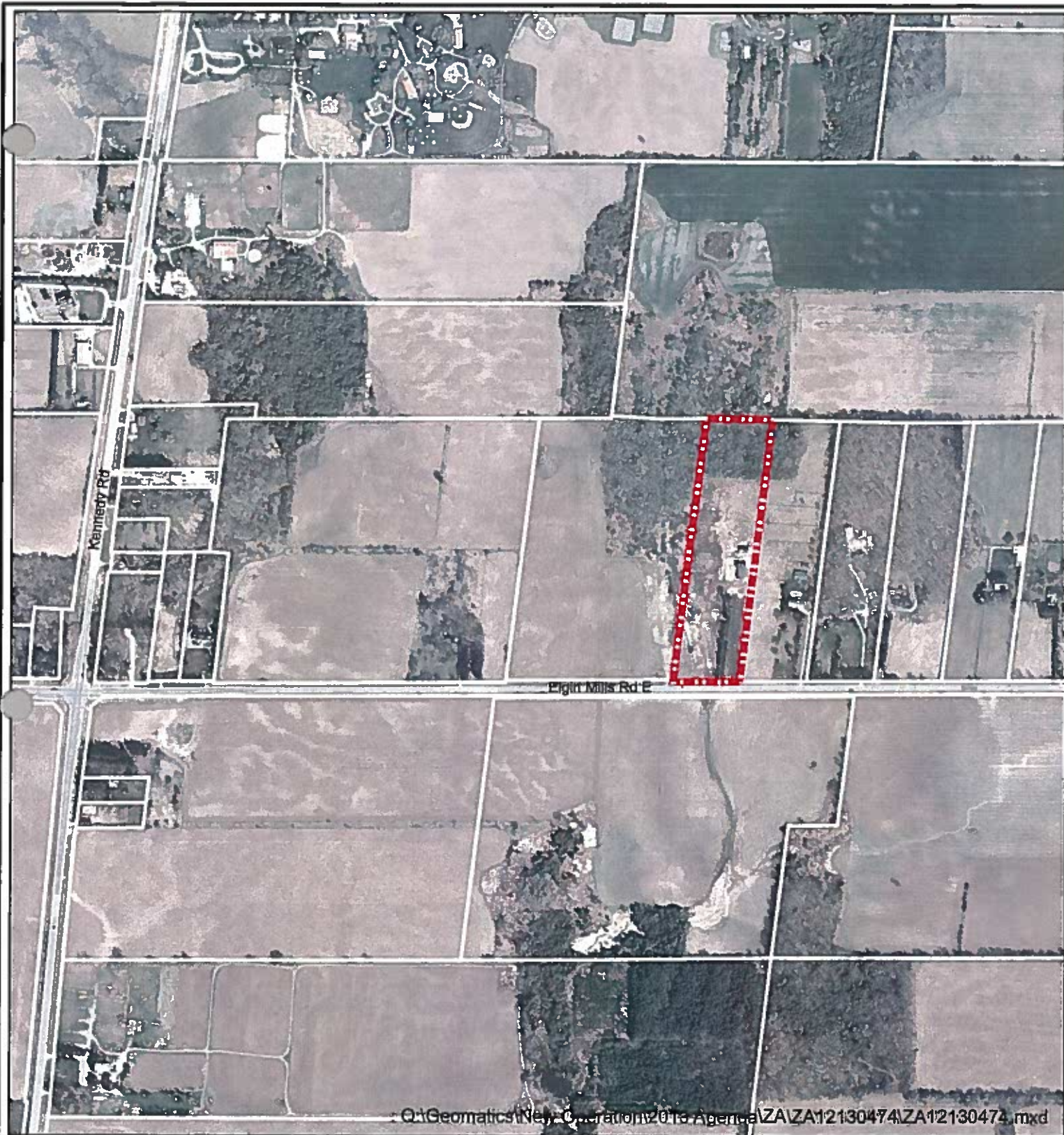
Donny Chow

947 Nellie Little Crescent

Tel: 416-818-7077

Email: dc927@rogers.com





AIR PHOTO 2012

APPLICANT: DONNY CHOW
4870 ELGIN MILLS ROAD EAST

FILE No. ZA12130474(RC)

 SUBJECT LANDS

DATE: 05/23/13





AREA CONTEXT/ZONING

APPLICANT: DONNY CHOW
4870 ELGIN MILLS ROAD EAST

FILE No. ZA12130474(RC)

 SUBJECT LANDS

DATE: 05/23/13

APPENDIX

A

Elevation shown hereon are
geodetic and are referred to
Ontario Base Mapping records.

AREA OF LOT - 4.057 Ha.

LOT GRADING PLAN OF
PART OF LOT 26
CONCESSION 6
GEOGRAPHIC TOWNSHIP OF MARKHAM
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE: 1:1000

0 25 50 100 M.

PETER J. MANSFIELD, OLS - 2012

NOTES

BEARINGS SHOWN ON THIS PLAN ARE ASTRONOMIC AND ARE
DERIVED FROM THE N 74° 00' E OF THE SOUTHERLY LIMIT OF
LOT 26 IN ACCORDANCE WITH INST. R549808.

■	DENOTES	FOUND SURVEY MONUMENT
SIB		STANDARD IRON BAR
IB		IRON BAR
OU		ORIGIN UNKNOWN
MS		MEASURED
+ 100.00		EXISTING ELEVATIONS
●		HYDRO POLE
RIB		ROUND IRON BAR
IP		IRON PIPE
-		SURFACE DRAINAGE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND
TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
- THE SURVEY WAS COMPLETED ON SEPT 5 2012

DATE SEPT 5 2012

P. J. Mansfield
P. J. MANSFIELD
ONTARIO LAND SURVEYOR

METRIC CONVERSION

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

P. J. MANSFIELD
Ontario Land Surveyor
58 CHIEFTAIN CRESCENT
BARRIE ONTARIO L4N 4L8
705 - 728 - 8832

Job No. 11-4157

NEW 2 STOREY HOUSE

First Floor - 226.375
TFW - 226.31
Basement Slab - 223.27
U/F - 223.065
Gar. FL - 225.40

LOT 26
PIN 03056 - 0426
(RESIDENTIAL/AGRICULTURAL)

CONCESSION 6

PIN 03056 - 0114

PIN 03056 - 0115
(RESIDENTIAL/AGRICULTURAL)

ELGIN MILLS
PUBLIC ROAD

ROAD (20.12 M. WIDE)

EAST

Notes

These drawings, specifications, and schedule shall be read in conjunction with the building contract and the building code. The architect shall be responsible for the design and construction of the building. The contractor shall be responsible for the construction of the building. The owner shall be responsible for the payment of the building. The architect shall be responsible for the design and construction of the building. The contractor shall be responsible for the construction of the building. The owner shall be responsible for the payment of the building.

Do Not Scale Drawings

APPENDIX B

1. All work shall be in accordance with the building code. The architect shall be responsible for the design and construction of the building. The contractor shall be responsible for the construction of the building. The owner shall be responsible for the payment of the building.

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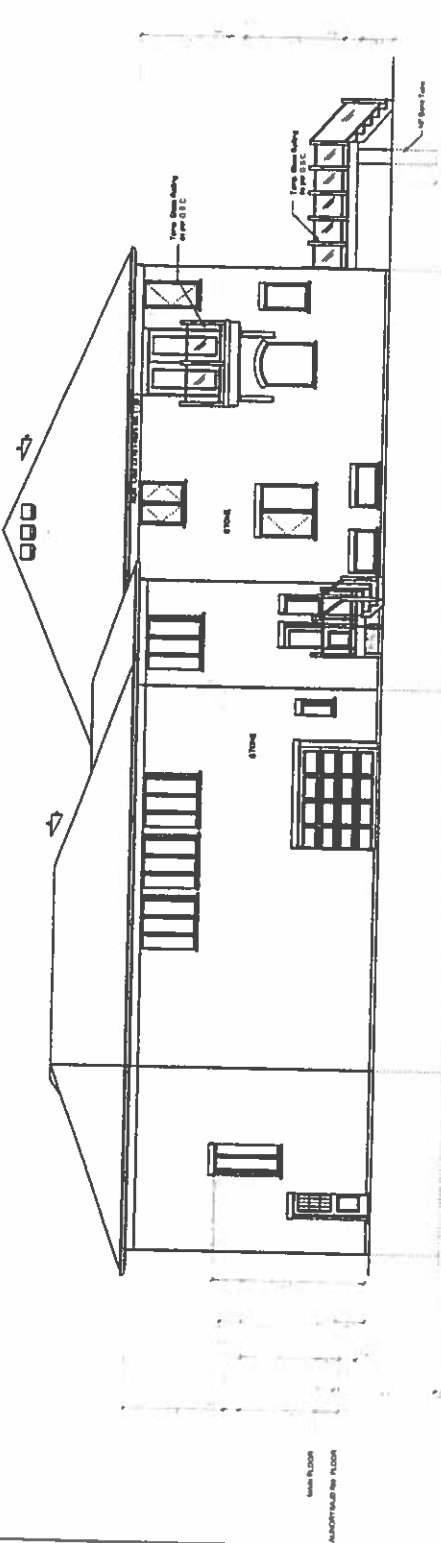
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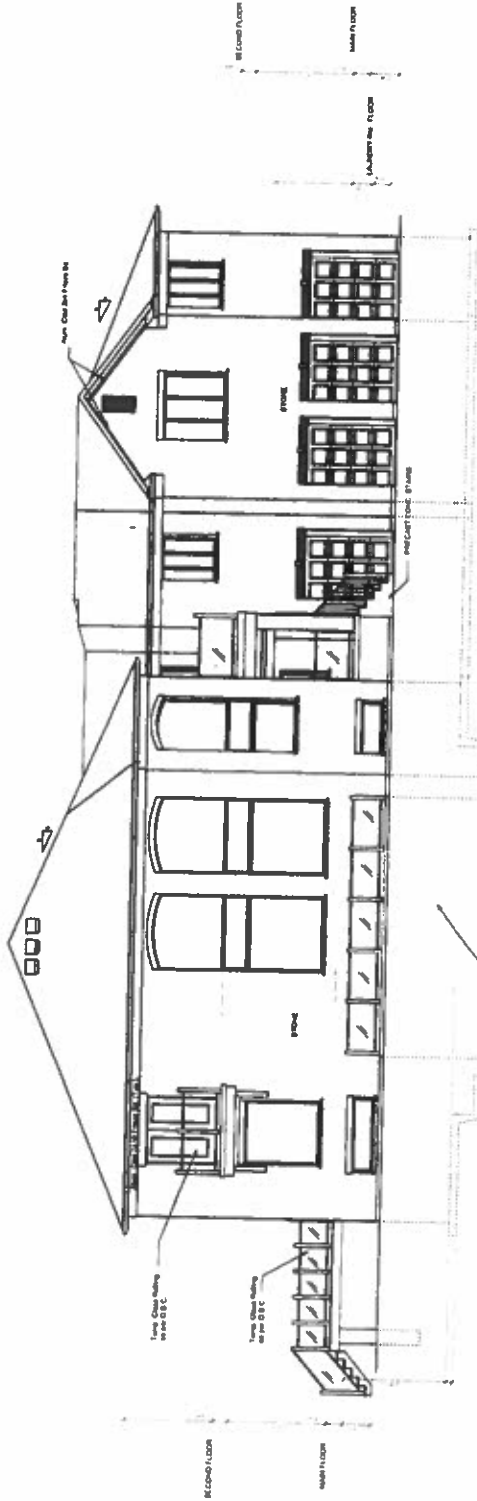
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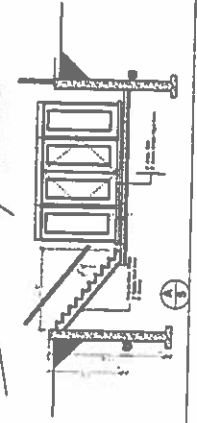
JAN BROWN'S VALUABLE PANEL HOMES		100 N. Maple Street Farmville, VA 22430
ARCHITECT	PHILIP H. RUBINMAN	100 N. Maple Street Farmville, VA 22430
DATE	10/1/13	10/1/13
PROJECT	100 N. Maple Street	100 N. Maple Street
DESCRIPTION	100 N. Maple Street	100 N. Maple Street
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2. THE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING CODE.		
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FRONT SIDE ELEVATION



LEFT SIDE ELEVATION



100 N. Maple Street